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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,219	03/01/2005	Erez Schwartz	049735-001000	6876
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EXAMINER RENWICK, REGINALD A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,219

Applicant(s)

SCHWARTZ, EREZ

Examiner

REGINALD A. RENWICK

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13, 18-23 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 18-23, 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-13, 18-23, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorbet (U.S. Patent No. 5,941,714)

Re claim 1: Gorbet discloses an electronic game card comprising:

a planar card having three or more sides (Fig.7, object 725; column 3, lines 35-36);

controller means in the planar card (Title; column 4, lines 36-38);

one or more communication means in the planar card and coupled to the controller means, wherein the communication means (Fig. 1: connectors, 130) further include

means for allowing communications between adjacent cards when two cards are placed close to each other, with one side of each card opposite a side of the other card;

user input means coupled to the controller means (column 2, lines 18-29; column 3, lines 1-3); and

a code reader coupled to the controller means and configured to read a card code from a detachable cover card coupled of a surface of the planar card wherein lacking any clear distinguishing features the cover card is read onto a neighboring card that covers

the card's side and contains a card code that is the cover card's height (Fig. 1; column 4, lines 21-27; column 6, lines 50-67; column 7, lines 1-8; column 8, lines 42-65).

Re claim 2: Gorbet discloses that the card is shaped so as to allow stacking cards in a bi-directional pattern (Fig. 6).

Re claim 3: Gorbet discloses that the card is shaped as a planar triangle, square, pentagon, or hexagon (Fig. 6; column 2, lines 9-15).

Re claim 5: Gorbet discloses that the user input means include push buttons, a key board, or keypad or a combination thereof (column 8, lines 37-41).

Re claim 6: Gorbet discloses that the puzzle pieces includes a user output means (column 4, lines 39-46).

Re claim 7: Gorbet discloses that the user output means include sound generating means (column 4, lines 39-46).

Re claim 8: Gorbet discloses that the sound generating means includes a loudspeaker or a piezoelectric device (column 4, lines 39-46).

Re claim 9: Gorbet discloses that the user output means includes Light Emitting Diodes (LEDs), LED matrix or Liquid crystal Display (LCD) (column 4, lines 39-46).

Re claim 10: Gorbet discloses an electronic card game (Abstract) comprising: a plurality of cards (column 3, lines 33-48) located on a bi-directional pattern adjacent to each other (Fig. 1), wherein each card includes a controller and one or more communication devices (column 4, lines 36-38), and wherein one of the cards is a master card (column 8, lines 28-36) operable to communicate with each card and to activate an output of each card according to rules of the games stored therein (column 10, lines 23-27), and the rest of the cards are slave cards each having a personality code comprising of a height based on a card code of a cover card detachably coupled to each slave card (column 8, lines 42-67; column 9, lines 1-21) wherein each card is a cover card to the neighboring card.

Re claim 11: Gorbet discloses that each slave card comprises a generic base for receiving the card and means for reading the detachable thin cover card code (column 2, lines 18-23).

Re claim 12: Gorbet discloses that the detachable thin cover card has both a coded description wherein the coded description is the height, as well as a graphic description which is a picture vertically on top of the card (column 8, lines 42-67; column 9, lines 1-21; column 10, lines 3-18).

Re claim 13: Gorbet discloses that each slave is assigned a unique personality code wherein each card has a unique height (column 8, lines 42-67; column 9, lines 1-21).

Re claim 18: Gorbet discloses that the master card further comprises a power source and interconnections to transfer power to the slave card (column 3, lines 6-10; column 5, lines 47-50; column 8, lines 31-36).

Re claim 19: Gorbet discloses that the master card further comprises connector to a personal computer (column 3, lines 19-22).

Re claim 20: Gorbet discloses that the master card further comprises installable memory device (column 5, lines 59-67; column 6, lines 1-9).

Re claim 21: Gorbet discloses that the means for allowing communications between adjacent cards includes means for allowing power transfer between adjacent cards and means for allowing data transfer between adjacent cards (column 3, lines 6-10; column 5, lines 30-36).

Re claim 22: Gorbet discloses an electronic card game having a plurality of cards connected to a respective plurality of bases, the plurality of bases electrically connected to a master controller (column 8, lines 28-36), the method comprising:

supplying power from the master controller to each of the plurality of bases (column 8, lines 34-36);

exchanging data between the master controller and each of the plurality of bases (column 8, lines 28-36);

and reading an identification code on a surface of each of the plurality of cards wherein the identification code is a known height located on the processor on the surface of the card (Fig. 1; column 8, lines 42-65) with a corresponding identification reader on each of the respective plurality of bases (column 4, lines 21-27; column 6, lines 50-67; column 7, lines 1-8).

Re claim 23: Gorbet discloses receiving a user input at one of the plurality of bases, the base communicating the user input to the master controller;

processing the user input at the master controller based on at least one rule stored at the master controller to determine a result (Gorbet: column 10, lines 3-23; column 11, lines 36-43); and

providing an indicator at least the one of the plurality of bases in response to the result in which the indicator is an emitted frog's call from the speaker (Gorbet: column 10, lines 3-23; column 11, lines 36-43).

Re claim 25: Gorbet discloses that the receiving at the master controller identification data from the plurality of cards through the plurality of bases (column 3, lines 1-10;

column 8, lines 42-65; column 9, lines 11-15; column 11, lines 36-43; claim 28).

Re claim 26: Gorbet discloses that the power is supplied directly from the master controller and at least one of the plurality of bases and power is supplied indirectly from the master controller and at least one of the plurality of bases (Gorbet: Fig.6; column 3, lines 6-10; column 8, lines 31-36), and wherein data is exchanged directly between the master controller and the at least one of the plurality of bases (Gorbet: Fig. 6; column 3, lines 3-10; column 7, lines 62-65; column 8, lines 31-34; claim 11, lines 36-43) and data is exchanged indirectly between the master controller and the at least one of the plurality of bases (Gorbet: column 5, lines 3-8; column, lines 53-65; claim 22).

Re claim 27: Gorbet discloses comprising processing the identification data from the card at the master controller (Gorbet: column 3, lines 1-10; column 8, lines 42-65; column 9, lines 11-16; column 11, lines 36-43; claim 28).

1. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbet in view of Stout (US PG PUB 2005/0093232).

Re claim 28-31: Gorbet in combination with Kompanik fails to disclose the limitations of claims 28-31. However, Stout discloses that a button is attached to the card and the memory unit that allows sound and a visual to be outputted (0054). It would have been obvious to one skilled in the art to modify the puzzle piece of Gorbett with the button

actuation of multimedia components as taught by Stout for the purpose of adding excitement to the puzzle game and the puzzle piece itself.

Response to Arguments

2. Applicant's arguments filed 05/07/2009 have been fully considered but they are not persuasive. The Applicant has amended the claim language of claims 1 and 10, however the newly amended claims are still anticipated by Gorbet, which discloses a code reader that includes the processor reading the height of a detachable cover card wherein the detachable cover card is a neighboring card that covers the side plane of the code reading card. Furthermore, Gorbet also has unique identifiers that include the height of the card.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry. Suhol/
Supervisory Patent Examiner, Art
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